

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) CLIFF HERRINGTON, an individual,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-cv-00505-GKF-JFJ
)	
(1) WAL-MART STORES EAST, LP.,)	
d/b/a WAL-MART, a foreign limited)	
partnership,)	
)	
Defendant.)	

NOTICE OF REMOVAL

TO: PLAINTIFF CLIFF HERRINGTON
AND HIS ATTORNEYS OF RECORD

Defendant, Wal-Mart Stores East, LP, d/b/a Wal-Mart (“Defendant”), files this Notice of Removal of the state court action brought by Plaintiff, Cliff Herrington (“Plaintiff”), pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, and would respectfully show that this Court has jurisdiction over this case based on federal question jurisdiction.

**I.
STATEMENT OF FACTS**

1. On November 2, 2021, Plaintiff filed a civil action against Defendant in the District Court of Tulsa County, Oklahoma styled *Cliff Herrington, an individual, Plaintiff v. Wal-Mart Stores East, LP, d/b/a Wal-Mart, a foreign limited partnership, Defendant*, Case No. CJ-2021-03141 (hereinafter, “the State Court Action”).

2. Pursuant to LCvR 81.2 of the United States District Court for the Northern District of Oklahoma, copies of all matters filed of record in the state court proceeding or served upon Defendant are attached hereto along with a copy of the docket sheet, and all such matters include the following:

- a. Summons issued to Defendant; and
- b. Plaintiff's Petition.

3. Copies of the original Summons and Petition were served on Defendant via certified mail on November 5, 2021, and this Notice of Removal is therefore timely filed under 28 U.S.C. § 1446(b).

4. Plaintiff's only cause of action arises under the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* See Pet., ¶ 1.

5. Therefore, this Court has original subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1331, and this action may be removed to the Court pursuant to § 28 U.S.C. § 1441(a).

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Tulsa County, Oklahoma.

7. Venue is proper in the United States District Court for the Northern District of Oklahoma, as the case was originally filed in Tulsa County, Oklahoma. See 28 U.S.C. § 116(a).

8. There are no motions pending before the District Court of Tulsa County in this matter, and no hearings are currently set.

WHEREFORE, Defendant, Wal-Mart Stores East, LP, d/b/a Wal-Mart, respectfully removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446.

Respectfully submitted,

/s/ Jacob S. Crawford

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**ATTORNEYS FOR DEFENDANT,
WAL-MART STORES EAST, LP
D/B/A WAL-MART**

CERTIFICATE OF SERVICE

- ☒ I hereby certify that on November 28, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Daniel Smolen, Esq.
Leslie K. Briggs, Esq.

- ☐ I hereby certify that on _____, 2021, I served the foregoing document by mail on the following, who are not registered participants of the ECF System (None):

/s/ Jacob S. Crawford
Jacob S. Crawford